



LISA M. LEONDIS  
AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS & MEASURES

## County of San Diego

SANDY PARKS  
ASSISTANT DIRECTOR

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 724-4098

### DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES

9325 Hazard Way, Suite 100, San Diego, CA 92123-1217

Phone: (858) 694-2739 FAX (858) 467-9697

<http://www.sdcawm.org>

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 467-9278

January 23, 2012

TO: Certified Farmers' Market Managers  
Certified Producers  
San Diego Farm Bureau

### REVISED DIRECT MARKETING REGULATIONS

New regulation\* changes to the Direct Marketing Program and Certified Farmers' Markets (CFM) went into effect September 17, 2011. This regulatory action was done in cooperation with the CFM Advisory Committee and intended to implement the provisions of Assembly Bill (AB) 2168. It encourages productive and profitable agriculture in California by facilitating the sale of quality agricultural products directly to consumers. It also improves the enforcement mechanisms for the Program to ensure fair and honest business competition.

Some of the significant changes are:

- a. Establishes the administrative civil penalty guidelines §1392.4.1
- b. Provides market participants with the right to appeal fine, suspension, or expulsion from the market §1392.6 (g) & §1392.11(e)
- c. Clarifies the definitions of CFMs, CFM certificate, certified producer, consumer, direct marketing, employee, and partnership, and point of production §1392.2(a) through (s), and (z)
- d. Adds definitions of processed agricultural products, preservatives, seasonings, flavorings, and food coloring § 1392.2 (u) through (y)
- e. Requires a dated memorandum of any sales transactions to be provided to consumers other than end users §1392.4(k) and (l)
- f. Authorizes field retail stands and farm stands to engage in direct marketing §1392.1

Please give special attention to the new section 1392.4.1 *Administrative Civil Penalties for Direct Marketing*. This regulation authorizes the Agricultural Commissioner to determine classes of violations, penalty categories, amounts of penalties, and compliance history in order to promote regulatory compliance and uniform enforcement.

You may review the *Administrative Civil Penalties for Direct Marketing Guidelines* on our Farmers' Market webpage at [http://www.sdcounty.ca.gov/awm/farmers\\_markets.html](http://www.sdcounty.ca.gov/awm/farmers_markets.html). Printed copies are available by request. We ask that CFM Managers share this information with the Certified Producers at their markets.

We appreciate your cooperation in maintaining compliance. If you have any questions, please contact Nancy Appel, Supervising Inspector at (858) 614-7727.

Sincerely,



LISA M. LEONDIS  
Agricultural Commissioner/  
Sealer of Weights and Measures

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\* The CCR Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5 is available at:  
<http://government.westlaw.com/linkedslice/default.asp?Action=TOC&RS=GVT1.0&VR=2.0&SP=CCR-1000>